

CHAPTER 5B—WILDLIFE RESTORATION

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§ 669. Cooperation of Secretary of the Interior with States; conditions

The Secretary of the Interior is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter in this chapter set forth; but no money apportioned under this chapter to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after September 2, 1937, the assent of the Governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter, shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this chapter and all projects shall conform to the standards fixed by the Secretary of the Interior. One of the purposes of this chapter is to provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.

(Sept. 2, 1937, ch. 899, § 1, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 116-94, div. P, title V, § 501(b), Dec. 20, 2019, 133 Stat. 3191.)

AMENDMENTS

2019—Pub. L. 116-94 inserted at end “One of the purposes of this chapter is to provide financial and tech-

nical assistance to the States for the promotion of hunting and recreational shooting.”

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-94, div. P, title V, § 501(a), Dec. 20, 2019, 133 Stat. 3191, provided that: “This title [amending this section and sections 669a, 669c, 669g, 669h-1, and 669h-2 of this title and enacting provisions set out as a note under section 669h-2 of this title] may be cited as the ‘Modernizing the Pittman-Robertson Fund for Tomorrow’s Needs Act’.”

Pub. L. 116-17, § 1, May 10, 2019, 133 Stat. 866, provided that: “This Act [amending sections 669a, 669g, and 669h-1 of this title and enacting provisions set out as a note under section 669a of this title] may be cited as the ‘Target Practice and Marksmanship Training Support Act’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-408, § 1(a), Nov. 1, 2000, 114 Stat. 1762, provided that: “This Act [see Tables for classification] may be cited as the ‘Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000’.”

Pub. L. 106-408, title I, § 101(a), Nov. 1, 2000, 114 Stat. 1763, provided that: “This title [enacting sections 669h-1, 669h-2, 669k, 742b-1, and 777m of this title, amending sections 669c, 669d, 669g, 669h, 669i, 777c, 777d and 777h of this title and section 9504 of Title 26, Internal Revenue Code, enacting provisions set out as notes under this section and section 777 of this title, and repealing provisions set out as a note under section 777 of this title] may be cited as the ‘Wildlife and Sport Fish Restoration Programs Improvement Act of 2000’.”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-503, title I, § 103, Oct. 23, 1970, 84 Stat. 1101, provided that: “This title [amending section 669b and sections 669c to 669g-1 of this title] may be cited as the ‘Federal Aid in Wildlife Restoration Act Amendments of 1970’.”

SHORT TITLE

Act Sept. 2, 1937, ch. 899, § 14, formerly § 13, as added by Pub. L. 106-408, title I, § 101(b), Nov. 1, 2000, 114 Stat. 1763, and amended and renumbered by Pub. L. 116-188, title III, § 303(1), Oct. 30, 2020, 134 Stat. 941, provided that: “This Act [enacting this chapter] may be cited as the ‘Pittman-Robertson Wildlife Restoration Act’.”

Act Sept. 2, 1937, ch. 899, as amended, is also popularly known as the “Federal Aid in Wildlife Restoration Act”.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

STATEMENT OF PURPOSE AND DEFINITION IN PUB. L. 106-553

Pub. L. 106-553, § 1(a)(2) [title IX, § 902(a), (b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119, provided that:

“(a) PURPOSES.—The purposes of this section [amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] are—

“(1) to extend financial and technical assistance to the States under the Federal Aid to [in] Wildlife Restoration Act [16 U.S.C. 669 et seq.] for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

“(2) to assure sound conservation policies through the development, revision, and implementation of a

comprehensive wildlife conservation and restoration plan;

“(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section]; and

“(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

“(b) REFERENCE TO LAW.—In this section, the term ‘Federal Aid in Wildlife Restoration Act’ means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.”

INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT

Pub. L. 106-553, §1(a)(2) [title IX, §902(f)], Dec. 21, 2000, 114 Stat. 2762, 2762A-123, provided that: “Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act [16 U.S.C. 669 et seq.] or the Federal Aid in Sport Fish Restoration Act [16 U.S.C. 777 et seq.] shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.”

PROHIBITION AGAINST DIVERSION

Pub. L. 106-553, §1(a)(2) [title IX, §902(h)], Dec. 21, 2000, 114 Stat. 2762, 2762A-124, provided that: “No designated State agency shall be eligible to receive matching funds under this title [enacting section 1356a of Title 43, Public Lands, amending sections 669a, 669b, 669c, 669g, and 4406 of this title, and enacting provisions set out as notes under this section] if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.”

DESIGNATION OF PROGRAMS

Pub. L. 106-408, title I, §131, Nov. 1, 2000, 114 Stat. 1775, provided that: “The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the ‘Federal Assistance Program for State Wildlife and Sport Fish Restoration’.”

§ 669a. Definitions

As used in this chapter—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live

trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) for the purposes of determining the number of paid hunting-license holders in a State, the term “fiscal year” means the fiscal year or license year of the State;

(3) the term “hunter recruitment and recreational shooter recruitment” means any activity or project to recruit or retain hunters and recreational shooters, including by—

(A) outreach and communications as a means—

(i) to improve communications with hunters, recreational shooters, and the general public with respect to hunting and recreational shooting opportunities;

(ii) to reduce barriers to participation in these activities;

(iii) to advance the adoption of sound hunting and recreational shooting practices;

(iv) to promote conservation and the responsible use of the wildlife resources of the United States; and

(v) to further safety in hunting and recreational shooting;

(B) providing education, mentoring, and field demonstrations;

(C) enhancing access for hunting and recreational shooting, including through range construction; and

(D) providing education to the public about the role of hunting and recreational shooting in funding wildlife conservation;

(4) the term “public target range” means a specific location that—

(A) is identified by a governmental agency for recreational shooting;

(B) is open to the public;

(C) may be supervised; and

(D) may accommodate archery or rifle, pistol, or shotgun shooting;

(5) the term “Secretary” means the Secretary of the Interior;

(6) the term “State fish and game department” or “State fish and wildlife department” means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

(7) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(8) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water